

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MONICA REGAN CAGE,

Plaintiff

v.

ESC IV, L.P., DBA
EMERITUS AT OAK HOLLOW

Defendant.

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CIVIL ACTION NO. 4:12CV00440

DEFENDANT'S NOTICE OF REMOVAL

Defendant Emeritus Corporation (incorrectly sued as ESC IV, L.P., DBA Emeritus at Oak Hollow) (hereinafter "Defendant") files this Notice of Removal and states:

I.

This is an employment case. On May 21, 2012, Plaintiff Monica Regan Cage ("Plaintiff") commenced an action in the 17th Judicial District of Tarrant County, Texas entitled *Monica Regan Cage v. ESC IV, L.P., dba Emeritus at Oak Hollow*, Cause No. 017 259406 12. A true and correct copy of all process and pleadings in that cause, and all documents required by Local Rule 81.1 are attached hereto as "Exhibit A."

II.

This Court has jurisdiction in this civil action and removal is proper pursuant to 28 U.S.C. § 1331. Plaintiff has asserted a claim against Defendant that involves a federal question. Specifically, in her Original Petition ("Petition") Plaintiff alleges that Defendant violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* and 29 U.S.C. § 2615(b) of the Family Medical Leave Act. (*Plaintiff's Original Petition, Section III.*)

Therefore, this case presents a federal question pursuant to 28 U.S.C. § 1331 and is removable under 28 U.S.C. § 1441. This Court has supplemental jurisdiction over Plaintiff's Texas Labor Code 21.051 claim pursuant to 28 U.S.C. §1367.

III.

Plaintiff served Defendant ESC IV, L.P. with the State Action Summons and Petition on June 6, 2012. (See Exhibit A.) This Notice has been filed with this Court within thirty (30) days of service of copies of the Summons and Petition in the State Action upon any defendant.

IV.

Upon the filing of this Notice of Removal, Defendants have given the 17th Judicial District of Tarrant County, Texas written notice of the removal in the form attached hereto as an attachment to "Exhibit B."

V.

The following is a list of counsel of record:

Kristin L. Bauer
Allyson L. Johnson
JACKSON LEWIS LLP
500 N. Akard, Suite 2500
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PH: (214) 520-2400
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Counsel for Defendant
Emeritus Corporation

James L. Bauguss
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Old Town Office Plaza
1307-B W. Abram Street, Ste 100
Arlington, Texas 76013
PH: (817) 461.4222
FX: (817) 461.5199

Counsel for Plaintiff
Monica Regan Cage

WHEREFORE, Defendant requests that the above-styled action pending in the 17th Judicial District of Tarrant County, Texas, be removed to the United States District Court for the Northern District of Texas, Fort Worth Division.

Respectfully submitted,

By: /s/ Kristin L. Bauer

Kristin L. Bauer, Esq.
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was forwarded by certified mail, return-receipt requested, on the 28th day of June, 2012 to the following counsel of record:

James L. Bauguss
Bauguss Law Firm
Christian Jenkins
Law Offices of Christian Jenkins
Old Town Office Plaza
1307-B W. Abram Street, Ste 100
Arlington, Texas 76013

/s/ Kristin L. Bauer

ONE OF COUNSEL

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DEFENDANT'S INDEX OF DOCUMENTS FOR REMOVAL

The following documents are attached:

Exhibit A State Court Pleadings, and all executed services of process

Exhibit B State Court Notice of Filing Notice of Removal